

15 April 1976

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NOTE FOR [REDACTED]

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In recent days, I have been in touch with Mason Cargill and Tim Hardy, two young Government officials currently assigned to the Intelligence Oversight Board as that Board's initial staff. Cargill and Hardy have played a remarkable and crucial role with regard to the new intelligence arrangements. When the Rockefeller Commission was formed in early 1975, the two were seconded to the staff of the Commission from the Department of Defense; and each became key aides to David Belin, the Staff Director.

Upon the completion of Commission work, the two were assigned to the White House to deal with the growing problem of concerting the Executive Branch during the HSC and SSC investigations. Later in 1975 they joined the staff of Jack Marsh and company and played an instrumental role in the drafting of Executive Order 11905.

Each is a bright, young lawyer within a few months of leaving the Government to take up legal practice on the outside. I suggested to them that they might want to consider doing a classified chronology or history of their experience and that such a document could make an instrumental and interesting contribution to Studies In Intelligence.

They are taken by the idea and are giving it thought. Hardy believes that a piece of this kind would be particularly interesting if it were supplemented at relevant points within the text by observations and perceptions from those on the perimeter who saw the White House work from the outside and may have had different views from what was actually intended by those on the inside. Hardy thought such observations from the likes of [REDACTED] [REDACTED] would be particularly interesting.

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Hardy said they will be thinking this over and will be back in touch.

*E. H. Knoche*

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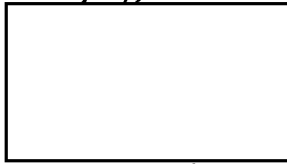
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cc: [REDACTED]

Mr. Elder

*As you requested,*

*I have kept a copy*



*9 June 76*  
(DATE)

upon the foreign intelligence function a system of monitoring and accountability that would provide needed control will have been frustrated.

Aftermath accounts of the evolution of major presidential proposals never do the incumbent President any harm and, staff loyalties being what they usually are, may be somewhat self-serving. Nevertheless, the proffered history of Mr. Ford's intelligence actions and proposals believably credits him with a foresight, a steadiness of course, and a capacity for firm decision and strong assertion of his views in the final stages that he and his people seem unable to project to the public in a convincing way. His own efforts to convey these qualities in speeches and in other public performances tend to fall flat and, too often, make him look ridiculous. This failure of projection is one of the defects that could cost Gerald Ford the Republican nomination this summer and present the country with the spectacle, still incredible to me, of that California figurine, Ronald Reagan, actually running for election to the presidency.

Mr. Ford's home-town friend and chief counsel, Philip Buchen, and his staff of White House lawyers began work on the legal issues involved a full year before a temporary entity, the Intelligence Coordinating Group, focused last September on preparation of the proposals while trying to respond, in its first order of business, to the mounting demands for classified information and documents from the Senate and House intelligence investigating committees. Mason Cargill and Timothy Hardy, young lawyers from the staff of the Rockefeller commission that had investigated allegations of "massive and illegal" CIA domestic activity, joined Buchen's staff after the commission reported in June and did the early work on the formal restrictions upon intelligence agencies that constituted one of the most important and contentious sections of the executive order issued by the President on February 18. Those restrictions went through more than 100 drafts and were strongly opposed by the principal intelligence agencies. The many exceptions issued with them provided much of the basis for complaint that the executive order authorized and validated more civil abuses than it professed to prevent. Everybody concerned, from the President down, recognized that a simple list of "shalt nots" without exceptions and qualifications would be more popular and politically effective than the adopted version was. It was also recognized that such a list would be a dishonest sham, issued in concealed knowledge that the agencies chiefly affected—the CIA, the National Security Agency and the Defense Intelligence Agency—along with numerous military and civilian sub-agencies, some of them secret and unidentified to this day, would be compelled by their own necessities to modify the restrictions whether the exceptions were publicly announced and defined or not. Some thought was given at staff and departmental levels to announ-

## White House Watch Laundering the Spies

Any judgment of the administration proposals to change and control the country's foreign intelligence system and procedures must turn upon agreement or disagreement with President Ford's view that it is "essential to have the best possible intelligence about the capabilities, intentions and activities of governments and other entities and individuals abroad." If you agree, as I do, the President's proposals must be held on the whole to be good and reasonable, probably the most and the best that can be done to prevent abuse while preserving a viable intelligence instrument. If the national necessity for such an instrument is doubted, or is granted a lower priority than is accorded the individual rights that an effective intelligence system must invade to some degree, the proposals may fairly be held—as they indeed are considered by many responsible critics—to cloak and validate activities that in today's climate have come to be regarded as illegal or at best unacceptable. That is not my view. But it or something close to it seems likely to be the view of Congress. If this turns out to be so and the President's proposals to deal mainly with the acknowledged problems of intelligence by executive action are displaced by punitive legislation, an enormous and largely unreported federal effort will have gone down the drain and Mr. Ford's endeavor to impose

continued

and therefore should keep line authority over it. At a final meeting on February 16, after many meetings with Marsh, Duval, Buchen and Attorney General Levi, the President was stern, tough, emphatic. He reminded those present that he'd gone over every point time and again, individually and in groups, with everybody concerned and indicated without quite saying that he'd had enough. Rumsfeld, Brown and Deputy Secretary of Defense Robert Ellsworth (who is to represent Defense on the CFI) expressed their last doubts about giving so much power to the new director of Central Intelligence, George Bush. Gen. Scowcroft, Buchen, Marsh and Attorney General Levi supported the President against Rumsfeld, Ellsworth and Brown (speaking for the military intelligence agencies) and Bush (speaking for the intelligence community) in favor of public charters. Levi, with the President throughout on the major issues, had some reservations about secrecy and surveillance legislation that was being submitted and promised. But there were no hard dissents, no assertions that what the President had so clearly decided upon was unacceptable. Everybody, in short, had got the message. Congress hasn't but that for Mr. Ford is another and sadder story.

John Osborne